

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

CASE NO. 8:05-CR-498-T-17AEP

ROBERT M. MORRISON.

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ORDER

This cause is before the Court on:

Dkt. 959	Motion to Reduce Sentence Pursuant to First Step Act
Dkt. 960	Supplement
Dkt. 965	First Step Memorandum
Dkt. 967	Notice of Federal Defender
Dkt. 968	Response in Opposition

Defendant Robert M. Morrison, *pro se*, moves for a reduction in sentence pursuant to the First Step Act of 2018.

Defendant Morrison entered into a Plea Agreement, pleading guilty to Count 1 of the Superseding Indictment. (Dkt. 478). The Government filed an Information and Notice of Prior Convictions. (Dkt. 479).

Defendant Morrison was sentenced on Count 1 on March 6, 2007 to a term of imprisonment of 262 months, a term of supervised release of 60 months; fine waived, and a special assessment fee of \$100.00.

In Count 1 of the Superseding Indictment, Defendant Morrison is charged with conspiracy to distribute and to possess with intent to distribute 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of 21 U.S.C. Secs. 846 and 841(b)(1)(A)(ii).


In the First Step Memorandum, the U.S. Probation Office indicates that Defendant Morrison is not eligible for a sentence reduction under the First Step Act because the offense of conviction is not a "covered offense."

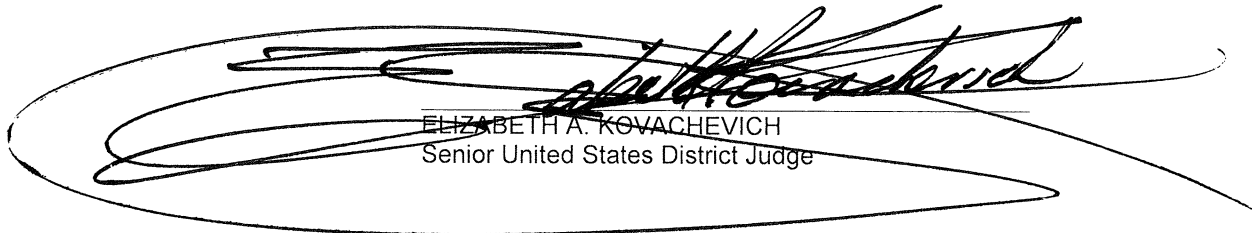
The Federal Defender notified Defendant Morrison that because the statutory penalties for the offense of conviction were not modified by Sections

2 or 3 of the Fair Sentencing Act (affecting crack cocaine offenses), the Federal Defender could not in good faith argue that Defendant Morrison is eligible for relief under Section 404 of First Step Act.

After consideration, the Court denies Defendant Morrison's Motion to Reduce Sentence Pursuant to the First Step Act. Accordingly, it is

ORDERED that *pro se* Defendant Robert M. Morrison's Motion to Reduce Sentence Pursuant to the First Step Act (Dkt. 959) is **denied**.

DONE and ORDERED in Chambers in Tampa, Florida on this  day of November, 2019.


ELIZABETH A. KOVACHEVICH
Senior United States District Judge

Copies to:

All parties and counsel of record

Pro Se Defendant:

Robert M. Morrison

48389-018

COLEMAN LOW

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